

Appl. No. 10/826,722

Supplement to Proposed Agenda for Applicant Initiated Interview – For Discussion Purposes Only

Interview Scheduled for August 4, 2009 at 10:00 am ET

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant : Russell F. McKnight  
Appln. No. : 10/826,722  
Filed : April 16, 2004  
Title : METHOD AND APPARATUS FOR GENERATING USER PROFILE  
DISTINCTIONS  
Conf. No. : 1771  
Art Unit : 3622  
Examiner : Nathan C. Uber  
Customer No. : 00116  
Docket No. : ACER-45262

**PROPOSED AGENDA**  
**FOR APPLICANT INITIATED TELEPHONIC INTERVIEW**  
**FOR DISCUSSION PURPOSES ONLY**

Applicant would like to thank the Examiner for granting a telephonic interview in this case. The interview is proposed for August 4, 2009 at 10:00 am ET. Applicant's representative will contact the Examiner at 571-270-3923 at the designated time.

Applicant wishes to discuss possible claim amendments. An example claim amendment is included on the following pages for discussion purposes.

Regarding amended claim 1, the prior art references, namely Garrett and Jacobi, fail to disclose, expressly or implicitly, the steps of "determining, *automatically by the computerized transaction system*, if the computerized transaction is associated with the user or if the computerized transaction is associated with the user on behalf of a third party" and "establishing, *automatically by the computerized transaction system based on said determining, the giftee profile* if the computerized transaction is associated with the user on behalf of the third party, wherein the giftee profile corresponds to the third party and is associated with a user profile corresponding to the user".

Regarding new claim 23, it is supported by the disclosure of the original specification (see [0028]) and contains the limitation that is patentably distinguished from the cited prior art.

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### DRAFT AMENDMENT

Claim 1 (Currently amended): A method for generating a giftee profile ~~distinction~~ in a computerized transaction system, the giftee profile ~~distinction~~ being associated with a transaction between a user and a merchant, the method comprising:

determining, automatically by the computerized transaction system, if the computerized transaction is associated with the user or if the computerized transaction is associated with the user on behalf of a third party;

establishing, automatically by the computerized transaction system based on said determining, the giftee profile if the computerized transaction is associated with the user on behalf of the third party, wherein the giftee profile corresponds to the third party and is associated with a user profile corresponding to the user;

aggregating, automatically by the computerized transaction system, information associated with the transaction in ~~[[a]]~~ the user profile corresponding to the user if the computerized transaction is determined to be associated with the user; and

aggregating, automatically by the computerized transaction system, the information associated with the transaction in the giftee profile corresponding to the user ~~according to a profile distinction associated with the third party~~ if the computerized transaction is determined to be associated with the third party;

determining, automatically by the computerized transaction system, an offer tailored to either the user or to the third party based upon either the user profile corresponding to the user or the giftee profile ~~distinction associated with~~ corresponding to the third party; and

presenting, automatically by the computerized transaction system, the offer to the user;

wherein the offer comprises one or more of: a special offer, a promotion, a product recommendation, and a product suggestion;

wherein the offer; if tailored for the third party, is based upon the giftee profile ~~distinction~~ corresponding to the third party and is not based upon the user profile corresponding to the user; and

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wherein the offer, if tailored to the user, is based upon the user profile corresponding to the user and is not based upon the gifted profile ~~distinction associated with~~ corresponding to the third party.

Claim 23 (New): The method of claim 1, wherein said determining if the computerized transaction is associated with the user or if the computerized transaction is associated with the user on behalf of the third party is automatically made by judging if a “ship to” party matches the user.